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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/892,346	06/26/2001	Padman Ramankutty	2102189-991100	3533
26379	7590	05/18/2006	EXAMINER	
DLA PIPER RUDNICK GRAY CARY US, LLP 2000 UNIVERSITY AVENUE E. PALO ALTO, CA 94303-2248			APPLE, KIRSTEN SACHWITZ	
			ART UNIT	PAPER NUMBER
			3628	

DATE MAILED: 05/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/892,346

Applicant(s)

RAMANKUTTY ET AL.

Examiner

Kirsten S. Apple

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 19 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-58 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-58 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 April 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## Detailed Action

This action is in response to the application filed on 06/26/2001.

### *Priority*

No claim for priority has been made in this application.

### *Claim Rejections - 35 USC § 112*

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 4-6 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In particular Claim 4, line 2, the examiner did not understand:

“said user”

It does not have a proper antecedent basis and is unclear to the examiner and one of ordinary skill in the art what is claim or who the user is. For the purposes of this review the examiner will interpret the claim to be:

“*first-tier distributor*”

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this

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subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-22 & 26-39 & 43-58 are rejected under 35 U.S.C. 102(e) as being anticipated by Rush US Patent 6,119,102.

**Re claim 1 & 11:** Rush discloses:

*A method and system for managing BOM, with first-tier supplier, and first-tier distributor comprising: (see Rush, title)*

*Monitoring for arrival of input (see Rush Figure 10-15)*

*Automatically determining if input represents an out-of-tolerance case (see Rush, Figure 15 “does order arrive within tolerances?”)*

*Communicating if out-of-tolerance (see Rush, Figure 15 arrows)*

*Determining an alternative plan (see Rush, Figure 15 “reschedule action”)*

*Optimizing a resolution (see Rush, Figure 15 “reschedule action”)*

*Automatic collaboration between first and second party (see Rush, Figure 15 arrows)*

**Re claim 2 & 12 & 28 & 45 :** Rush discloses:

*Out-of-tolerance case is determine by applying a set of predetermined rules*

*The examiner sites Official Notice that it is well know in the art at the time of the invention that by definition tolerances are defined by a set of rules*

**Re claim 3 & 13 & 29 & 46:** Rush discloses:

*Performing a simulation when out-of-tolerance (see Rush, Figure 15)*

**Re claim 4 & 14 & 27 & 44:** Rush discloses:

*Communicating alternative plan to first-tier distributor (see Rush, Figure 15 + column 22, line 63-70 + column 23, line 1-5)*

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**Re claim 5 & 15 & 30 & 47:** Rush discloses:

*Determining alternative plan comprising finding an alternative source for parts (see Rush, Figure 15 + column 22, line 63-70)*

**Re claim 6 & 16:** Rush discloses:

*Distribution system comprises second tier suppliers*

*The examiner sites Official Notice that it is well know to one of ordinary skill in art at the time of the invention that a distribution system can comprises multiple tier supplier (including second tier suppliers)*

**Re claim 7 & 17 & 34 & 51:** Rush discloses:

*Optimizing = Issuing instruction to increase production when increase in demand of product (see Rush, Figure 11, "more demand", "yes")*

**Re claim 8 & 18 & 35 & 52:** Rush discloses:

*Optimizing = assessing impact to increase production on costs (See Rush, Figure 11, "create a planned order" it is assumed that in order to complete an order, cost would be one input that would need to be assessed and included)*

**Re claim 9 & 19 & 36 & 53:** Rush discloses:

*Optimizing = Issuing instruction to decrease production when decrease in demand of product (see Rush, Figure 11, "more demand", "no")*

**Re claim 10 & 20 & 37 & 54:** Rush discloses:

*Optimizing = Issuing instruction to decrease production when decrease in a supply by a first-tier supplier (see Rush, Figure 11, "cancel message")*

**Re claim 21 & 38:** Rush discloses:

*A method and system for managing BOM, with first-tier supplier, and first-tier distributor comprising: (see Rush, title)*

*Monitoring for arrival of input (see Rush Figure 10-15)*

*Automatically determining if input represents an out-of-tolerance case (see Rush, Figure 15 “does order arrive within tolerances?”)*

*Communicating if out-of-tolerance (see Rush, Figure 15 arrows)*

*Automated collaboration so when first party is unable to respond, input is communicated to second part to allow second party to process input. (see Rush, Figure 15 “reschedule action”)*

**Re claim 22 & 39:** Rush discloses:

*Notifying a user when out-of-tolerance (see Rush, Figure 15 arrows)*

**Re claim 26 & 43:** Rush discloses:

*Determining an alternative plan when out-of tolerance (see Rush, Figure 15 “reschedule action”)*

**Re claim 31 & 48:** Rush discloses:

*Optimizing = changing a design specification on product (see Rush, Column 22, “new purchase order”)*

**Re claim 32 & 49:** Rush discloses:

*Optimizing = obtaining a subset of parts from an alternative source (see Rush, Column 22, “new purchase order”)*

**Re claim 33 & 50:** Rush discloses:

*Alternative source = safety stock (see Rush, Figure 2, “safety stock”)*

**Re claim 55:** Rush discloses:

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*Initiating a seller decision assistance when input related to sale of product or procurement of parts (see Rush, figure 2, MPS)*

**Re claim 56:** Rush discloses:

*Initiating a planer decision assistance when input requires a change to production plan (see Rush, figure 2, Scheduler)*

*Initiating a finance decision assistance when input requires a financial decision making (see Rush, Figure 2, receipts)*

**Re claim 57:** Rush discloses:

*A computer system for BOM comprising*

*A rules engine (see Rush, Figure 2, "orders, scheduled, forecasts & activities")*

*An optimization engine (see Rush, Figure 2, "generation")*

*A server layer comprising instructions (see Rush, Figure 2, "action message")*

**Re claim 58:** Rush discloses:

*Layer comprises:*

*An application server (see Rush, column 10, line 69)*

*A database server (see Rush, column 4, line 65 "database")*

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 23-25 & 40-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rush US Patent 6,119,102 in view of Lambert.

**Re claim 23 & 40:**

*Although Rush does not specifically use tiers of suppliers, Lambert claims first tier supplier (see page 75, Figure 4)*

*Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to add first tier supplier as taught in Lambert to Rush.*

*It is clear that one would be motivated because to fully utilize extension files (see Rush, Column 4, line 43-69).*

**Re claim 24 & 41:** Rush discloses: logistics

*Although Rush does not specifically use tiers of suppliers, Lambert claims second tier supplier (see page 75, Figure 4)*

*Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to add second tier supplier as taught in Lambert to Rush.*

*It is clear that one would be motivated because to fully utilize extension files (see Rush, Column 4, line 43-69).*

**Re claim 25 & 42:**

*Although Rush does not specifically use brand owner, Lambert claims brand owner (see page 75, Figure 4)*

*Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to add brand owner as taught in Lambert to Rush.*



*It is clear that one would be motivated because to fully utilize extension files (see Rush, Column 4, line 43-69).*

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Balcerak, K.J. & B.G. Dale "Measuring Bill-of-Material Accuracy" teaches about companies monitoring their BOM.


### ***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kirsten S. Apple whose telephone number is 571.272.5588. The examiner can normally be reached on Monday - Friday 7:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sam Sough can be reached on 571.272.6799. The fax phone number for the organization where this application or proceeding is assigned is 571-272-6126.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ksa

  
HYUNG SOUGH  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600